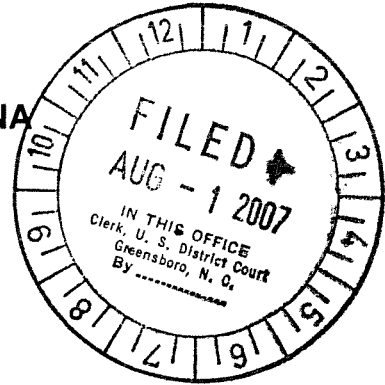


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



HOSEA BERNARD NORMAN,)
)
Plaintiff,)
)
v.)
)
)
SERGEANT L. HESTER, et al.,)
)
Defendants.)

1:05CV929

O-R-D-E-R

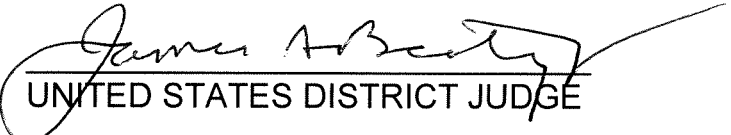
On April 23, 2007, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED that Plaintiff's complaint is dismissed without prejudice for the failure to serve Defendants with summonses and copies of his complaint. See *Mendez v. Elliot*, 45 F.3d 75, 78-79 (4th Cir. 1995) ("Rule 4(m) requires that if the

complaint is not served within 120 days after it is filed, the complaint must be dismissed absent a showing of good cause.”). A judgment dismissing this action will be entered contemporaneously with this Order.


UNITED STATES DISTRICT JUDGE

DATE: August 1, 2007